

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>05-601</u>
v.	:	DATE FILED: <u>10/19/05</u>
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RAKIEM CARTER	:	VIOLATIONS:
MAURICE CUNNINGHAM	:	21 U.S.C. § 846 (conspiracy to possess with intent to distribute cocaine base (“crack”) - 1 count)
	:	21 U.S.C. § 841 (a)(1), (b)(1)(C) (distribution of cocaine base (“crack”) - 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(B) (possession with intent to distribute more than 5 grams of cocaine base (“crack”) - 1 count)
	:	18 U.S.C. § 924 (c)(1)(A) (possession of a firearm in furtherance of a drug trafficking crime - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 2, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

RAKIEM CARTER and
MAURICE CUNNINGHAM

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally possess with the intent to distribute the following controlled

substances: (1) more than 5 grams, that is, approximately 5.761 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance; (2) approximately 155 grams of a mixture and substance containing a detectable amount of marijuana, a Schedule II controlled substance; and (3) approximately 2.288 grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, all in violation of Title 21, United States Code, Section 841(a)(1).

MANNER AND MEANS

It was part of the conspiracy that:

1. Defendants RAKIEM CARTER and MAURICE CUNNINGHAM stored for distribution cocaine base (“crack”), marijuana, and other controlled substances in the family residence of defendant RAKIEM CARTER, located at 2614 N. 30th Street in Philadelphia.
2. Defendant MAURICE CUNNINGHAM met with drug customers outside of 2614 N. 30th Street and sold them vials of crack cocaine which he retrieved from inside or near the house.
3. Defendants RAKIEM CARTER and MAURICE CUNNINGHAM used a green backpack to transport the controlled substances.
4. Defendants RAKIEM CARTER and MAURICE CUNNINGHAM possessed a Bersa .380 caliber handgun, to protect the drug operation at 2514 N. 30th Street.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere:

1. On or about December 2, 2004, defendant MAURICE CUNNINGHAM met with drug buyers outside of 2614 N. 30th Street and handed them small vials of cocaine base (“crack”) in exchange for money.

2. On or about December 2, 2004, defendants RAKIEM CARTER and MAURICE CUNNINGHAM possessed approximately 5.761 grams of cocaine base (“crack”), approximately 2.288 grams of cocaine, approximately 155 grams of marijuana, 2 digital scales, and one Bersa .380 caliber handgun, with an obliterated serial number, loaded with 5 live rounds, inside the house at 2614 N. 30th Street in Philadelphia, and inside the trunk of a white Nissan Maxima located on the 3000 block of W. Oakdale Street, in Philadelphia.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 2, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

MAURICE CUNNINGHAM

knowingly and intentionally distributed to a person known to the grand jury, a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 2, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RAKIEM CARTER and
MAURICE CUNNINGHAM**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, more than five grams, that is, approximately 5.761 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 2, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**RAKIEM CARTER and
MAURICE CUNNINGHAM**

knowingly possessed, and aided and abetted the possession of, a firearm, that is, one Bersa .380 caliber handgun, with an obliterated serial number, loaded with 5 live cartridges, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that is, conspiracy to possess with the intent to distribute a controlled substance, and possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1)(A).

In violation of Title 18, United States Code, Sections 924(c)(1)(A), and 2.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

_____ As a result of the violation of Title 18, United States Code, Section 924(c)(1) as set forth in this indictment, the defendants

**RAKIEM CARTER and
MAURICE CUNNINGHAM**

shall forfeit to the United States of America, the firearm and ammunition involved in the commission of such offense, including but not limited to:

- (a) One Bersa .380 caliber handgun, with an obliterated serial number; and
- (b) Five live cartridges.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney